



UNITED STATES PATENT AND TRADEMARK OFFICE

ew
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,179	02/14/2002	Arthur M. Shand	60027.0453/BS00177	7280

39262 7590 11/16/2006

MERCHANT & GOULD BELLSOUTH CORPORATION
P.O. BOX 2903
MINNEAPOLIS, MN 55402

EXAMINER

VO, HIEN XUAN

ART UNIT	PAPER NUMBER
----------	--------------

2863

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/075,179

Applicant(s)

SHAND, ARTHUR M.

Examiner

Hien X. Vo

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,8-20,22,25,26 and 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8-20,22,25,26 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 22 (lines 6-7) objected to because of the following informalities: the sentence is incomplete. Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-6, 8-20, 22, 25-26, 30 rejected under 35 U.S.C. 102(b) as being anticipated by Zellner et al. (U.S. Patent No. 6,539,384).

With respect to claim 1, Zellner et al. disclose a browser on test equipment including a portable WAP-enabled diagnostic device for troubleshooting a WAP network having a plurality of elements, the diagnostic device (see e.g. abstract), comprising:

a housing (see e.g. Figs. 1-2 and col. 2, lines 44-46);

a processor located within the housing (see e.g. fig. 3, item 46, col. 2, line 46),

wherein the processor includes:

a microbrowser module (see e.g. Fig. 3, item 28) configured for communicating with an external source of information including a WAP network undergoing troubleshooting (see e.g. fig. 4); and

a diagnostic module configured for analyzing information associated with elements of the WAP network in a predetermined sequence configured to emulate a

Art Unit: 2863

process for flow of signals through the elements of the WAP network undergoing diagnosis by the portable diagnostic device (see e.g. col. 2, lines 44-58);

an input device located on the housing and coupled to the processor (see e.g. col. 2, lines 48-63); and

a display screen located on the housing and coupled to the processor to display information pertaining to operating parameters of the WAP network undergoing diagnoses (see e.g. Fig. 2 and col. 5, lines 5-14).

With respect to claims 3-6, Zellner et al. disclose the invention as claimed including the WAP network includes a mobile communication network in selective communication with a data network configured for communication with the mobile communication network and the internet, and the microbrowser is operative for communication with the WAP network (see e.g. col. 5, lines 49-55), the mobile communication network includes a device selected from the group of devices consisting of a base substation, a mobile switching center, an interworking function, and a remote access server (see e.g. col. 13, lines 39-57), the data network includes a device selected from the group of devices consisting of an internet protocol router, a remote access dial-in user services server, a WAP server, an authentication server, and a domain name server (see e.g. col. 13), the external source of information includes a server connected to the Internet (see e.g. Fig. 4).

With respect to claims 8-20, Zellner et al. disclose the invention as claimed including input device includes an input device selected from the group consisting of a keypad, a mouse, a trackball, and a touch screen (see e.g. col. 4, lines 53-61), a display

Art Unit: 2863

screen selected from the group consisting of an LCD display screen, a passive matrix display screen, and a TFT active matrix display screen (see e.g. col. 5, lines 5-14), a power source located within the housing and coupled to the processor (see e.g. col. 9, lines 44-46), a radio frequency transceiver located within the housing and coupled to the processor (see e.g. Fig. 6, item 86), the radio frequency transceiver includes an antenna originating within the housing and protruding therefrom (see e.g. Figs. 5-6, item 76), a modem located within the housing and coupled to the processor (see e.g. Fig. 6, item 84), a speaker, microphone located within the housing and coupled to the processor (see e.g. Fig. 6, items 35-37), a memory device located within the housing and coupled to the processor (see e.g. Fig. 6, item 42), the memory device includes a volatile memory, a random access memory, a non-volatile memory, an electrically erasable programmable read only memory (see e.g. col. 8, lines 40-44).

3. With respect to claims 22, 25-26, 30, Zellner et al. disclose the invention as claimed including requesting information from an external source associated with an element of a WAP network (see e.g. abstract); receiving the requested information from the external source element of the WAP network associated with the (see e.g. col. 5, lines 48-65); and analyzing the received information in a predetermined sequence to emulate a process flow of signals through elements of the WAP network for diagnosis of the WAP network (see e.g. col. 15, lines 10-28), the receiving the requested information from an element of the WAP network includes receiving the requested information from an element of the WAP network via a server connected to the internet (see e.g. col. 14, lines 43-58).

Art Unit: 2863

4. Applicant's arguments with respect to claims 1, 3-6, 8-20, 22, 25-26, 30 have been considered but are moot in view of the new ground(s) of rejection.

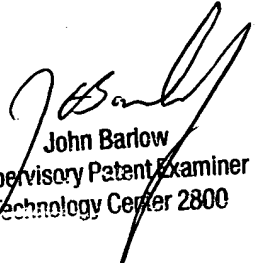
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hien X. Vo whose telephone number is (571) 272-2282.

The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hien Vo
11/07/06


John Barlow
Supervisory Patent Examiner
Technology Center 2800